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CITY CLERK
HONOLULU, HAWAII

February 6, 2007

The Honorable Charles K. Djou, Chair, and Members
Zoning Committee
City Council
City and County of Honolulu
Honolulu Hale
Honolulu, Hawaii 96813

BY FACSIMILE: 527-5733

**RE: BILL No. 86 (2006) PROPOSED CD1, REGULATING FOR AN
INTERIM PERIOD DEVELOPMENT ON LOTS ALONG THE
ALIGNMENT SELECTED BY THE COUNCIL AS THE LOCALLY
PREFERRED ALTERNATIVE (LPA) FOR THE HONOLULU HIGH
CAPACITY CORRIDOR PROJECT (HHCTC) IN THE CITY AND
COUNTY OF HONOLULU**

Dear Chair Djou and Committee Members:

I am Dean Uchida, Executive Director of the Land Use Research Foundation of Hawaii (LURF), testifying on Bill No. 86, proposed CD1. The purpose of this bill is to stop development along transit alignment selected as the LPA on Oahu unit permanent Transit Oriented Development (TOD) controls can be adopted. Although there was some discussion at the hearing in December of working with the interested parties, we have not been contacted regarding the proposed CD1.

As proposed the Council will effectively impose a **moratorium**, through the adoption of Interim Development Controls (IDC), on issuance of building permits and prohibiting the processing of zoning changes, subdivisions/consolidations of land, cluster or planned development housing:

1. On all lots of 10,000 square feet or more in area, any portion of which is located within one-fourth (1/4) mile on either side of the alignment selected by the Council as the LPA.

Upon approval of this IDC Ordinance, the ordinance will be in effect until the first to occur of:

1. Three (3) months from the enactment of this ordinance; or
2. The enactment of a TOD zoning ordinance; or
3. An interim zoning ordinance establishing interim controls until the enactment of a TOD zoning ordinance, in order to preclude "inappropriate development;"

Misc. Com. No. 0172

with the council expressly specifying that the enactment satisfies this contingency.

This version of the bill includes the following specific seven (7) exemptions:

1. Projects with floor area ratio (FAR) of 1.0 or greater;
2. Federal, State, HCDA or DHHL properties;
3. Construction or improvement of basic infrastructure (roads, sewer, drainage);
4. Maintenance and Repair work;
5. Renovation work to bring into compliance;
6. Work on existing structures with no increase in density; or
7. Public health and safety projects.

We understand and support the need, expressed by the Council, for orderly and comprehensive plan for development in and around the selected transit corridor. Increased density translates into increased transit rider-ship.

We find little improve on this version of the Bill from the original. Again, we must question the Council's "heavy handed" approach to "control" all future development within the LPA corridor, by making the Council the final word on what developments might be considered "appropriate."

We strongly recommend that the Council consider other alternatives to achieving this outcome. Incentives, through increasing infrastructure capacity and up-zoning of properties in and along the transit corridor should be used to stimulate higher density developments, more compatible with the long-term vision for the city.

Furthermore, the build out of transit will be a long process, minimum 12 years (Alternative Analysis, page 2-19). During this time, we would expect that the City would be increasing the infrastructure capacity of sewerage, water, drainage and other utilities, in and around the LPA alignment. This is necessary in order to accommodate the higher density's that are needed to insure transit rider-ship.

Because infrastructure within the Primary Urban Center of Honolulu is at capacity, it effectively limits development opportunities in and around the LPA alignment today. The proposed IDC would prevent the properties identified in the LPA from realizing any short-term economic development opportunities while the transit system and infrastructure capacity is being constructed.

~~— Rather than imposing an IDC, we would recommend the council consider the following approach: —~~

1. Once the LPA alignment is selected, develop a plan to fund and construct increased infrastructure capacity to service this area;
2. Allow property owners the ability to transition over time, from short-term uses to long-term uses that are consistent with TOD in and around transit corridors as infrastructure capacity and the transit system becomes available;

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3. Up-zone properties within the LPA alignment to allow for more mixed-use and increased residential density; and,
4. Tax the properties (real property taxes) at the highest and best use based on the up-zoning to encourage transition to long-term, higher density uses.

Thank you for this opportunity to express our views.